

UNITED STATES DISTRICT COURT  
MIDDLE DIVISION OF ALABAMA  
NORTHERN DIVISION

Gene Martin Auto Sales, Inc., 2007 OCT 19 A ) 11:50  
Plaintiff, )  
vs. ) Case Number: 2:07cv937-MEF  
Kevin Davis, Jonathan Benson, )  
Kenneth Harmon, Lt. Lockhart, )  
Jason Ously, Michael Poe, )  
and John Shannon )  
Defendants. )

**APPLICATION FOR TEMPORARY RESTRAINING ORDER**

Plaintiff, Gene Martin Auto Sales, Inc., moves the court for a Temporary Restraining Order forbidding the defendants from further interfering with the operation of the plaintiff's business, and requiring the defendants to return to the plaintiff possession of its real estate, all of its checkbooks, records, and other personal property.



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Charles Cleveland, Attorney for  
Gene Martin Auto Sales, Inc.

**Cleveland & Cleveland, P.C.**  
2330 Highland Avenue South  
Birmingham, Alabama 35205  
(205) 322-1811  
(205) 322-1848 (fax)

**CERTIFICATE OF SERVICE**

I hereby certify that I have served a copy of the foregoing pleading by U. S. Mail   ; Facsimile X; Hand Delivery   ; on this the 19<sup>th</sup> day of October, 2007, upon the following:

Chilton County Sheriff's Department  
500 Second Avenue North  
Clanton, Alabama 35045

  
\_\_\_\_\_  
Charles Cleveland

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**ORDER SCHEDULING A HEARING ON  
APPLICATION FOR A TEMPORARY RESTRAINING ORDER**

Before the undersigned appeared Gene Martin Auto Sales, Inc., through his attorney, Charles Cleveland, to make an application for a TRO forbidding the defendants from further interfering with the operation of the plaintiff's business, and requiring the defendants to return to the plaintiff possession of its real estate, all of its checkbooks, records, and other personal property.

Plaintiff has notified defendants and defendants have a representative present at the time of the filing of the application for a TRO to argue and submit evidence. Because notice has been given and a hearing may be had, a Rule 65(b) TRO without notice is not necessary. The application for a TRO is set for a hearing on the \_\_\_\_\_  
\_ day of \_\_\_\_\_, 2007 before the undersigned.

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UNITED STATES DISTRICT JUDGE